

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION

DARREN FIELDS

PETITIONER

V.

CIVIL ACTION NO. 3:19-CV-551-DPJ-FKB

ANDERSON JOHNSON

RESPONDENT

ORDER

This action pursuant to 28 U.S.C. §2254 is before the Court on the Report and Recommendation [8] of Magistrate Judge F. Keith Ball.

Petitioner Darren Fields contends he is entitled to parole pursuant to Mississippi Code § 97-3-2 because he has served over 50% of his sentence. Judge Ball recommended granting Respondent's motion to dismiss [6], noting that because Mississippi's parole statute is discretionary, there is no constitutional right to parole. R&R [8] at 1 (citing *Scales v. Miss. State Parole Bd.*, 831 F.2d 565, 566 (5th Cir. 1987)); *see id.* at 1–2 (noting Fields had not alleged a denial of parole because of his race or some other improper motive). Alternatively, Judge Ball noted that even if the petition had advanced a cognizable habeas claim, Fields failed to exhaust his state court remedies as required by 28 U.S.C. §2254(b)(1). *Id.* at 2. Fields did not file an objection to the R&R, and the time to do so has passed.

The Court finds the Report and Recommendation [8] should be adopted as the opinion of the Court; the petition is dismissed with prejudice. A separate judgment will be entered in accordance with Federal Rule of Civil Procedure 58.

**SO ORDERED AND ADJUDGED** this the 24th day of February, 2020.

s/ Daniel P. Jordan III  
CHIEF UNITED STATES DISTRICT JUDGE